

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HORNBECK OFFSHORE SERVICES,
LLC,

Plaintiff,

v.

NICHOLS BROTHERS BOAT
BUILDERS, INC., et al.,

Defendants.

CASE NO. C06-0782JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable
James L. Robart:

The court has received the parties' stipulation for a protective order (Dkt. # 22).
For the reasons stated below, the court DENIES the stipulation.

Litigants often enter agreements regarding the confidentiality of documents they
exchange during discovery. The court encourages such agreements, as they are often
helpful in conducting discovery efficiently and without the intervention of the court. It is
another matter, however, to place the court's imprimatur on such an agreement.

Fed. R. Civ. P. 26(c) governs the court's power to enter protective orders. Rule
26(c) requires the moving party to show "good cause" before the court enters a protective
order. A stipulated "blanket" protective order, like the one the parties propose here, is
insufficiently specific to permit the court to determine if any party has met the

1 requirements of Rule 26(c). It also places discretion with the parties, rather than with the
2 court. In addition, such “blanket” orders often exceed the scope of Rule 26(c). Again,
3 the court encourages the parties to arrive at their own agreements for the exchange of
4 discovery.¹ It merely declines to convert such agreements into an order of the court.

5 In addition, the parties’ proposed stipulation for a protective order would
6 improperly permit them to seal documents that they file with this court. As stated in
7 Local Rules W.D. Wash. CR 5(g), “[t]here is a strong presumption of public access to the
8 court’s files and records which may be overcome only on a compelling showing that the
9 public’s right of access is outweighed by the interests of the public and the parties in
10 protecting files, records, or documents from public view.” Local Rule 5(g) sets forth the
11 procedure for filing a motion to seal documents filed with the court. This procedure is
12 the sole means by which a party may seal a document in a civil case before this court. A
13 party may not seal a document without concurrently filing a motion to seal the
14 document.² The proposed stipulation for a protective order before the court would permit
15 the parties to seal documents without meeting the requirements of Local Rule 5(g). It is
16 therefore improper.

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19 Filed and entered this 2nd day of January, 2007.

20
21 BRUCE RIFKIN, Clerk

22 s/Mary Duett
23 By Deputy Clerk
24

25 ¹In the absence of such an agreement, it may be necessary during the course of litigation to
26 move for a contested protective order. When the court reviews such a motion, it will consider the
27 reasonableness of a party’s refusal to enter into an agreement when it determines whether to
award attorneys’ fees and sanctions under Fed. R. Civ. P. 37(a)(4).

28 ²When using the Western District of Washington’s electronic filing system (“CM-ECF”), a
party may unilaterally seal a document while awaiting the court’s ruling on a motion to seal it.